

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RONALD R. SANTOS,

Plaintiff,

vs.

AWD ISIDRO BACA, et al.,

Defendants.

Case No. 2:11-cv-01251-KJD-NJK

ORDER

(Docket No. 66)

Pending before the Court is Plaintiff's motion for clarification of prior order granting Plaintiff's motion for order to carry out service. Docket No. 66. On October 27, 2014, Defendants filed their notice of non-opposition to Plaintiff's motion for clarification. Docket No. 68. The Court finds this motion properly resolved without oral argument. *See* Local Rule 78-2. For the reasons discussed below, the Court hereby GRANTS Plaintiff's motion for clarification of prior order granting Plaintiff's motion for order to carry out service (Docket No. 66).

Plaintiff, an inmate in solitary confinement, is proceeding in this action *pro se*, but not *in forma pauperis*. On May 24, 2013, the Court entered an order directing Plaintiff to make arrangements to serve the remaining defendants for whom the Attorney General did not accept service. Docket No. 22, at 1. Pursuant to Federal Rule of Civil Procedure 4(c)(3), "[a]t the plaintiff's request, the court may order that service be made by a United States marshal."

On August 27, 2014, the Court granted Plaintiff's motion for an order to carry out service. Docket No. 48. The Court directed the U.S. Marshals Service ("USMS") to attempt to serve the

1 summons and Second Amended Complaint on the following Defendants: Schaff, Scilia, Camacho,
2 Carbajal, Ferguson, and Skolnik. *Id.*, at 2-3. The Court also ordered the Clerk of the Court to issue a
3 subpoena *duces tecum* to the Custodian of Records at the Nevada Department of Administration
4 directing the custodian to provide the last-known address of Defendant Jeffrey Mohlenkamp. *Id.*, at 3.
5 The Court directed the USMS to attempt to serve the summons and Second Amended Complaint on
6 Mohlenkamp once his last-known address was received by the Clerk of the Court. *Id.*, at 3-4. Finally,
7 the Court ordered Defendants to file, under seal, the last-known address of Defendant Palaylay. *Id.*, at
8 4.

9 Plaintiff represents that, as of October 7, 2014, he has only received two invoices from the
10 USMS. Docket No. 66, at 2. The USMS served the following Defendants: Schaff (Docket No. 62),
11 Scilia (Docket No. 57), and Ferguson (Docket No. 58). The USMS was not able to serve the following
12 Defendants: Camacho (Docket No. 65), Carbajal (Docket No. 56), Skolnik (Docket No. 53), and
13 Mohlenkamp (Docket No. 67).¹

14 Based upon the foregoing,

15 **IT IS SO ORDERED:**

- 16 1. The Clerk of the Court shall use the information provided by the USMS, under seal, in
17 Docket No. 67, to issue summons on Defendant Mohlenkamp.
- 18 2. The Clerk of the Court shall use the information provided by Defendants, under seal, in
19 Docket No. 54, to issue summons on Defendant Palaylay.
- 20 3. The Clerk of the Court shall deliver the summons for Defendants Mohlenkamp and
21 Palaylay and the Second Amended Complaint to the USMS.
- 22 4. Within thirty days of this Order, the USMS shall attempt to serve the summons and
23 Second Amended Complaint on Defendants Mohlenkamp and Palaylay. The USMS
24 shall provide Plaintiff with a Form USM-285 (without listing Defendants' addresses)
25 indicating whether service was effected for each Defendant.

26
27 ¹ The unexecuted summons, filed under seal, states Defendant Mohlenkamp's new address.
28 Docket No. 67, at 3.

5. If the USMS is unable to serve Defendants Mohlenkamp and Palaylay, and Plaintiff wishes to have service again attempted, a motion shall be filed with the Court specifying a more detailed name and/or address for said defendant, or whether some other manner of service should be attempted.
6. If Plaintiff wishes to have service again attempted on Defendants Camacho, Carbajal, and Skolnik, a motion shall be filed with the Court specifying a more detailed name and/or address for said defendant, or whether some other manner of service should be attempted.
7. Plaintiff shall file the Forms USM-285 within ten days after receiving them from the USMS.
8. Plaintiff is responsible for paying the USMS the fees for service of process on all Defendants.

Dated: October 29, 2014



Nancy J. Koppe
United States Magistrate Judge